IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8104 of 2005

Between:

Abbi Reddy Nageshwara Rao, S/o. Sri Subba Rao,
Mummidivaram Mandal, E.G.District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Mummaidivaram, Mummidivaram Mandal, E.G.District.
2 The District Collector, E.G.District, Kakinada.
3 Sri Nalla Rama Rao, S/o. Bull Venkanna,
R/o. Thane Lanka Village, Mummidivaram Mandal, E.G.District.
4 Sri Nalla Venkateswara Rao, S/o. Rama Rao,
R/o. Thanelanka Village, Mummidivaram Mandal, E.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more especially in the nature of writ of mandamus declaring the action of the 1st respondent in not correcting the entries made in the adangals for the Faslis 1409 and 1410 in respect of land an extent of Ac.3.71 cents, situated in S.No.37/3, 37/4, 37/6 and 45/1 of Kamini village, of Mummidivaram Mandal, E.G.District as illegal, arbitary and violative of the provisions of the ROR and pattadar Pass book Act.

Counsel for the Petitioner: MR.P.UDAYA BHASKARA RAO

Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8104 OF 2005

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ORDER :

This writ petition is filed seeking a declaration that the action of the first respondent – Mandal Revenue Officer in not correcting the entries made in the adangals for the faslis 1409 and 1410 in respect of the land to an extent of Ac.3.71 cents situated in Sy.Nos.37/3, 37/4, 37/6 and 45/1 of Kamini Village of Mummidivaram Mandal, East Godavari District.

The petitioner states that he is in possession and enjoyment of the land in question and the first respondent – Mandal Revenue Officer has issued a pattadar pass book in his favour. It is also stated that the respondents 3 and 4 filed A.T.C.No.10/2001 in the Tenancy Court-cum-Junior Civil Judge, Mummidivaram on the basis of the manipulated adangals for the faslies 1409 and 1410, and initially the Tenancy Court granted temporary injunction in their favour. However, A.T.A.No.16/2002 filed by the petitioner was allowed by the District Court, E.G. District, Rajahmundry and the same was also confirmed by this Court in C.R.P.No.5280/2002. Thereafter, the petitioner filed W.P.No.148 of 2002 challenging the action of the then Village Administrative Officer in issuing the adangals in favour of the respondents 4 and 5. This Court though dismissed the writ petition, left open to the petitioner to take appropriate steps for rectification of the disputed entries in the adangals. In the circumstances, the petitioner made representations dated 13-02-2003 and 5-3-2005 before the first respondent – Mandal Revenue Officer seeking rectification of the disputed entries in the adangals. However, he failed to take any action. Hence, this writ petition.

I have heard the learned Counsel for both the parties and perused the material on record.

The learned Government Pleader states that under Section 5 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') read with Rules made thereunder, on receipt of intimation of fact of acquisition of any right in respect of any land, the Mandal Revenue Officer shall make necessary enquiry and to carry out the amendment in the Record of Rights following the procedure prescribed under the Act and the Rules. If any such application is made before the Mandal Revenue Officer concerned, the same shall be considered in accordance with law.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to make an appropriate application as prescribed under law within a period of two weeks from today. If any such application is made, the same shall be received by the first respondent – Mandal Revenue Officer and appropriate orders be passed in accordance with law after conducting necessary enquiry as prescribed under the provisions of the Act.

The Writ Petition is accordingly disposed of. No costs.

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13th April, 2005.

Note:- CC in three days.

(B/O)

Lsk

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer, Mummaidivaram, Mummidivaram Mandal, E.G.District.
2 The District Collector, E.G.District, Kakinada.
3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad.
(OUT)

4 Two C.D. copies.